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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

RAYMOND WARE,)	CIVIL NO. 04-00671 HG LEK
)	
Plaintiff,)	FEDERAL DEFENDANTS' MOTION TO
)	DISMISS AND FOR SUMMARY
v.)	JUDGMENT; MEMORANDUM IN
)	SUPPORT OF FEDERAL DEFENDANTS'
SIDNEY HAYAKAWA, Director of)	MOTION TO DISMISS AND FOR
Transportation Security)	SUMMARY JUDGMENT; CERTIFICATE
Administration - Honolulu,)	OF SERVICE
KEN KAMAHELE, Deputy)	
Director, TRANSPORTATION)	
SECURITY ADMINISTRATION;)	
MICHAEL CHERTOFF, Secretary,)	
Department of Homeland)	
Security, DEPARTMENT OF)	
HOMELAND SECURITY; JOHN DOES)	
1-5,)	
Defendants.)	
)	

FEDERAL DEFENDANTS' MOTION TO DISMISS
AND FOR SUMMARY JUDGMENT

Come now Defendants, Sidney Hayakawa, Director of Transportation Security Administration, Honolulu, Ken Kamahale, Deputy Director, Transportation Security Administration-Honolulu, in their official capacities, and the Transportation

Security Administration and Department of Homeland Security (the federal defendants), by and through their undersigned attorneys, and move this court to dismiss and grant summary judgment to plaintiff's Amended Complaint. This motion is made under Federal Rules of Civil Procedure 12(b)(1) and 56, based on the grounds more fully stated in the accompanying Memorandum and the record herein.

DATED: June 14, 2006, at Honolulu, Hawaii.

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

/s/ Thomas A. Helper
By _____
THOMAS A. HELPER
Assistant U.S. Attorney

Attorneys for Federal
Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on the date and by the method of service noted below, a true and correct copy of the foregoing document was served on the following at their last known address:

Served Electronically through CM/ECF:

Daphne Barbee
June 14, 2006

deseckmet@aloha.net

DATED: June 14, 2006, at Honolulu, Hawaii.

/s/ Myra Y. Peterson
